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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/802,630   | 03/09/2001  | James K. Gehrke      | CM01375G            | 8523             |
| 22917  | 7590        | 02/25/2004           | EXAMINER            |                  |
| MOTOROLA, INC.<br>1303 EAST ALGONQUIN ROAD<br>IL01/3RD<br>SCHAUMBURG, IL 60196 |             |                      | VO, HUYEN X         |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2655                | 2                |

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/802,630

**Applicant(s)**

GEHRKE ET AL.

**Examiner**

Huyen Vo

**Art Unit**

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03/09/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Bennett et al. (US Patent No. 6665640).

1. Regarding claim 10, Bennett et al. disclose a method for providing voice recognition functionality to a wireless communication device, the method comprising the steps of:

storing a first portion of a voice recognition processing engine in the wireless communication device (col. 10, ln. 64 to col. 11, ln. 1);

implementing a second portion of the voice recognition processing engine in a wireless system infrastructure accessible by the wireless communication device (col. 11, ln. 13-16), wherein the first portion is substantially smaller than the second portion (col. 16, ln. 56-65); and

using both the first portion and the second portion of the voice recognition processing engine to provide voice recognition functionality to the wireless communication device (col. 11, ln. 16-25).

2. Regarding claim 11, Bennett et al. further disclose that the first portion of the voice recognition processing engine comprises a context model and voice training parameters (col. 12, ln. 58-65)

3. Regarding claim 12, Bennett et al. further disclose that the voice recognition processing engine comprises a voice recognition processor and programming instructions for operating the voice recognition processor to enable the voice recognition processor to provide voice recognition functionality upon receipt of the first portion of the voice recognition processing engine from the wireless communication device (col. 11, ln. 16-25).

Claims 1, 13, 15, 19, and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by King (US Patent No. 6532446).

4. Regarding claim 1, King discloses a method for a wireless communication device to enable a wireless system infrastructure to provide voice recognition service to the wireless communication device (figure 1), the method comprising the steps of:

storing voice recognition information specific to a user of the wireless communication device in a memory of the wireless communication device (col. 5, ln. 11-15, identification information for the user can be voice recognition information), the voice recognition information is usable by a voice recognition processor of the wireless system infrastructure to provide voice recognition service to the wireless communication device (col. 10, ln. 32-48), and

transmitting the voice recognition information to the wireless system infrastructure for use by the voice recognition processor during operation of the wireless communication device (col. 5, ln. 7-15).

5. Regarding claim 13, King discloses a method for a wireless system infrastructure to provide voice recognition service to a wireless communication device, the wireless system infrastructure forming part of a wireless communication system, the method comprising the steps of:

receiving a request to operate in the wireless communication system from the wireless communication device (col. 11, ln. 62 to col. 12, ln. 6), the request to operate including a first identifier associated with the wireless communication device and a second identifier associated with voice recognition information stored in a memory of the wireless communication device (col. 11, ln. 7-25, user's information and device id);

determining whether voice recognition information associated with the wireless communication device is presently stored in the wireless system infrastructure based on the first identifier (col. 13, ln. 1-10); and

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in the event that voice recognition information associated with the wireless communication device is not presently stored in the wireless system infrastructure, requesting transmission of the voice recognition information stored in the memory of the wireless communication device (col. 10, ln. 1-7 and col. 13, ln. 1-10).

6. Regarding claim 15, King further discloses receiving the voice recognition information stored in the memory of the wireless communication device to produce received voice recognition information (col. 10, ln. 32-48) and storing the received voice recognition information in a memory of the wireless system infrastructure (col. 10, ln. 1-7).

7. Regarding claim 19, King discloses a wireless communication device comprising:  
a memory device that stores voice recognition information specific to a user of the wireless communication device (figure 2B), the voice recognition information is usable by a voice recognition processor of a wireless system infrastructure to provide voice recognition service to the wireless communication device (col. 10, ln. 32-48).

a transmitter, operably coupled to the memory device, that transmits the voice recognition information to the wireless system infrastructure for use by the voice recognition processor during operation of the wireless communication device (252 of figure 2B).

8. Regarding claim 21, King further discloses a receiver that receives a request for the voice recognition information from the wireless system infrastructure and a processor, operably coupled to the receiver, the transmitter, and the memory device, that retrieves the voice recognition information from the memory device responsive to the request, prepares a data message containing the voice recognition information, and instructs the transmitter to transmit the data message to the wireless system infrastructure (see figure 2B).

9. Regarding claim 22, King discloses a wireless system infrastructure that provides voice recognition service, the wireless system infrastructure comprising:

a base transceiver site that receives, during a first time period, voice recognition information from a wireless communication device to produce received voice recognition information, wherein the received voice recognition information includes a context model (col. 10, ln. 1-7 or referring to figures 1 or 3), and that receives, during a second, later time period, a first data message from the wireless communication device containing an instruction forming part of the context model (col. 6, ln. 45-55);

a memory device, operably coupled to the base transceiver site, that stores the received voice recognition information to produce stored voice recognition information (341 of figure 3 or col. 9, ln. 44-50); and

a voice recognition processor, operably coupled to the memory device and the base transceiver site, that generates a second data message representative of the instruction contained in the first data message based on the stored voice recognition

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information, the second data message being used to execute the instruction (figure 3 or col. 10, ln. 32-48).

Claims 23 and 25 are rejected under 35 U.S.C. 102(a) as being anticipated by Mohan (IEEE Publication – Voice Enabled Request and Response for Mobile Devices Supporting WAP Protocol).

10. Regarding claim 23, Mohan discloses a memory device for use with a wireless communication device, the memory device comprising at least one memory location that stores voice recognition information associated with the wireless communication device, the voice recognition information including a context model and being used to provide voice recognition functionality to the wireless communication device (Voice Library of figure 1).

11. Regarding claim 25, Mohan further discloses that at least one memory location further stores an identifier associated with the voice recognition information (the term “nametag” in the Voice Template Generation section indicates identifier).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the



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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over King (US Patent No. 6532446) in view of Mohan (IEEE Publication – Voice Enabled Request and Response for Mobile Devices Supporting WAP Protocol).

12. Regarding claim 3, King fails to disclose that the voice recognition information comprises a context model. However, Mohan further teaches that the voice recognition information comprises a context model (TRAINING section on page 2741). The advantage of using the teaching of Mohan in King is to enhance speech recognition accuracy at the server.

Since King and Mohan are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify King by incorporating the teaching of Mohan in order to enhance speech recognition accuracy at the server.

13. Regarding claim 4, King further discloses that the context model includes instructions that allow the user of the wireless communication device to control operation of the wireless communication (col. 6, ln. 45-55, that is requesting for speech recognition service).

14. Regarding claim 5, King fails to disclose that the voice recognition information further comprises training parameters related to a voice of the user. However, Mohan

further teaches that the voice recognition information further comprises training parameters related to a voice of the user (Voice Template Generation on page 2739). The advantage of using the teaching of Mohan in King is to enhance speech recognition accuracy.

Since King and Mohan are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify King by incorporating the teaching of Mohan in order to enhance speech recognition accuracy.

15. Regarding claim 6, King further discloses the training parameters comprise data for adapting the voice recognition processor to voice characteristics of the user (col. 6, ln. 45-67).

16. Regarding claim 16, King fails to specifically disclose that the received voice recognition information comprises a context model. However, Mohan teaches that the received voice recognition information comprises a context model (Training section on page 2741). The advantage of using the teaching of Mohan in King is to adapt the recognition processor to enhance speech recognition accuracy.

Since King and Mohan are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mohan by incorporating the teaching of Mohan in order to adapt the recognition processor to enhance speech recognition accuracy.

17. Regarding claim 17, King further discloses that the context model includes at least one instruction that allows a user of the wireless communication device to control operation of the wireless communication device col. 6, ln. 45-55, that is requesting for speech recognition service.

18. Regarding claim 18, King further discloses the steps of:

receiving a first data message from the wireless communication device, wherein the first data message includes an instruction of the at least one instruction (col. 6, ln. 40-47);

determining the instruction contained in the first data message based on the received voice recognition information to produce a determined instruction (col. 6, ln. 48-55); and

generating a second data message representative of the determined instruction to facilitate execution of the instruction (col. 6, ln. 56-67).

Claims 2, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over King (US Patent No. 6532446) in view of Dahm et al. (US. Patent No. 6466783).

19. Regarding claim 2, King fails to specifically disclose that transmitting the voice recognition information is performed responsive to a request for the voice recognition information received from the wireless system infrastructure. However, Dahm et al.

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teach that transmitting the voice recognition information is performed responsive to a request for the voice recognition information received from the wireless system infrastructure (col. 7, ln. 1-5). The advantage of using the teaching of Dahm et al. in the modified King is to provide a signaling communication between the server and the client device to ensure both systems know what is being sent and received so that systems can carry out appropriate actions.

Since King and Dahm et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify King by incorporating the teaching of Dahm et al. in order to provide a signaling communication between the server and the client device to ensure both systems know what is being sent and received so that systems can carry out appropriate actions.

20. Regarding claim 7, King discloses a method for a wireless communication device to enable a wireless system infrastructure to provide voice recognition service to the wireless communication device, the wireless system infrastructure forming part of a wireless communication system (figure 1), the method comprising the steps of:

storing voice recognition information specific to a user of the wireless communication device in a memory of the wireless communication device (col. 5, ln. 11-15, identification information for the user can be the voice recognition information), the voice recognition information being usable by a voice recognition processor of the

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wireless system infrastructure to provide voice recognition service to the wireless communication device (col. 10, ln. 32-48);

transmitting a request to operate in the wireless communication system to the wireless system infrastructure (col. 11, ln. 62 to col. 12, ln. 6), the request to operate including a first identifier associated with the wireless communication device and a second identifier associated with the voice recognition information (col. 11, ln. 7-25, user's information and device id);

receiving a request for voice recognition information from the wireless system infrastructure responsive to the request to operate (col. 11, ln. 40-44, prompting for the user's input); and

transmitting the voice recognition information to the wireless system infrastructure (col. 5, ln. 7-15).

King fails to specifically disclose that transmitting the voice recognition information is responsive to the request for voice recognition information to facilitate use of the voice recognition information by the voice recognition processor during operation of the wireless communication device. However, Dahm et al. teach that transmitting the voice recognition information is responsive to the request for voice recognition information to facilitate use of the voice recognition information by the voice recognition processor during operation of the wireless communication device (col. 7, ln. 1-5). The advantage of using the teaching of Dahm et al. in King is to allow communication between the server and the client device to take place to prevent errors.

Since King and Dahm et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify King by incorporating the teaching of Dahm et al. in order to allow communication between the server and the client device to take place to prevent errors.

21. Regarding claim 9, King further discloses that the request for voice recognition information is received in the event that the first identifier indicates that no voice recognition information has been previously received with respect to the wireless communication device (col. 10, ln. 1-7).

Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over King (US Patent No. 6532446) in view of McAllister et al. (US Patent No. 6101242).

22. Regarding claim 8, the modified King fails to specifically disclose that the request for voice recognition information is received in the event that the second identifier indicates that the voice recognition information has been changed relative to voice recognition information previously received with respect to the wireless communication device. However, McAllister et al. teach that the request for voice recognition information is received in the event that the second identifier indicates that the voice recognition information has been changed relative to voice recognition information previously received with respect to the wireless communication device (col. 34, ln. 51-

61). The advantage of using the teaching of McAllister et al. in the modified King is to make the server-based speech recognition system more reliable.

Since the modified King and McAllister et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify King by incorporating the teaching of McAllister et al. in order to make the server-based speech recognition system more reliable.

23. Regarding claim 14, King fails to specifically disclose that in the event that voice recognition information associated with the wireless communication device is presently stored in the wireless system infrastructure, comparing the second identifier to a third identifier associated with the voice recognition information presently stored in the wireless system infrastructure, and requesting transmission of the voice recognition information stored in the memory of the wireless communication device in the event that the third identifier differs from the second identifier.

However, McAllister et al. teach in the event that voice recognition information associated with the wireless communication device is presently stored in the wireless system infrastructure, comparing the second identifier to a third identifier associated with the voice recognition information presently stored in the wireless system infrastructure (col. 34, ln. 51-61), and requesting transmission of the voice recognition information stored in the memory of the wireless communication device in the event that the third identifier differs from the second identifier (col. 34, ln. 31-41). The advantage

of using the teaching of McAllister et al. in King is to update the speech recognition information to increase system's reliabilities.

Since King and McAllister et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time the invention was made modify King by incorporating the teaching of McAllister et al. in order to update the speech recognition information to increase system's reliabilities.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over King (US Patent No. 6532446).

24. Regarding claim 20, King further discloses memory device 254 and 258 (referring to figure 2B), but fails to specifically disclose that the memory device is insertable into the wireless communication device. However it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the an insertable memory device in place of the memory device 254 and 258 of figure 2B of King in order to provide conveniences for maintaining and updating the communication device.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mohan (IEEE Publication – Voice Enabled Request and Response for Mobile Devices Supporting WAP Protocol).



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25. Regarding claim 24, Mohan further discloses memory devices (referring to figure 1), but fails to specifically disclose that the memory device is insertable into the wireless communication device. However it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the an insertable memory device in place of the memory devices shown in figure 1 of Mohan in order to provide conveniences for maintaining and updating the communication device.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mohan (IEEE Publication) discloses a wireless communication device having speech recognition functionalities that is considered pertinent to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Vo whose telephone number is 703-305-8665 and email address is [huyen.vo@uspto.gov](mailto:huyen.vo@uspto.gov). The examiner can normally be reached on M-F, 9-5:30.

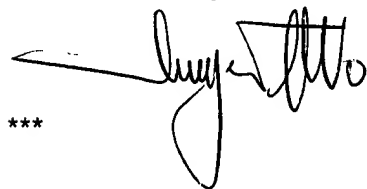
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

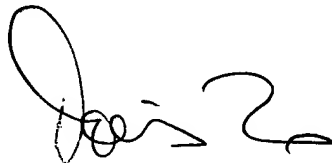
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Examiner Huyen X. Vo

February 13, 2004

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